

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VALASSIS COMMUNICATIONS, INC.,

Plaintiff,

v.

Case No.: 2:06-cv-10240

NEWS AMERICA INCORPORATED, a/k/a  
NEWS AMERICA MARKETING GROUP,  
NEWS AMERICA MARKETING FSI, INC.,  
a/k/a NEWS AMERICA MARKETING FSI,  
LLC and NEWS AMERICA MARKETING  
IN-STORE SERVICES, INC., a/k/a NEWS  
AMERICA MARKETING IN-STORE  
SERVICES, LLC,

Hon. John Feikens

Defendants.

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**26(f) REPORT**

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Plaintiff, through its attorneys, and defendants, through their attorneys, hereby submit this Joint Scheduling Conference Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and the Court's June 5, 2006 Order.

**1. Rule 26(f) Conference:**

The Complaint in this action was filed on January 18, 2006. The parties have conferred through their undersigned counsel and have prepared and agreed to this Joint Report.

**2. Motion to Dismiss (FRCP 12(b)(6)):**

Defendants have filed a motion to dismiss, which plaintiff has opposed. Certain tasks in preparation for discovery will be completed prior to a ruling on the motion to dismiss. Discovery will commence in earnest 10 days after a ruling denying the motion to dismiss.

**3. Timing and content of Rule 26(a)(1) disclosures (FRCP 26(f)(1)):**

The parties will make their initial disclosures within 10 days of a ruling denying the motion to dismiss, pursuant to the Court's June 5, 2006 Order.

The parties have also agreed to meet and confer in an effort to identify and agree upon categories of documents that will be produced with the initial disclosures in lieu of an identification of categories of relevant documents required by Fed.R.Civ.P. 26(a).

**4. Additional parties (L.R. 26.1(e)):**

Plaintiff does not anticipate joining additional defendants at this time.

**5. Contemplated Motions:**

No other preliminary motions are contemplated at this time.

**6. Discovery/Phasing/Limitations (FRCP 26(f)(2)):**

**A. Written discovery:**

The parties have agreed to waive the existing limits for interrogatories, allowing 50 interrogatories per side.

**B. Depositions:**

The parties agree that up to 30 depositions per side may be taken without leave of court or further negotiation.

**C. Expert discovery:**

The parties anticipate utilizing expert witnesses, however, it is premature to identify dates for concluding expert discovery.

**D. Third-Party Discovery:**

No third party discovery will take place until after the discovery stay is lifted 10 days after a ruling denying the motion to dismiss, pursuant to the Court's June 5, 2006 Order.

**7. Proposed Pre-trial schedule:**

The parties agree that it is too early to set dates for discovery. However, the parties have agreed that, as a preliminary estimate, discovery will require 12 months from commencement of discovery.

**8. Trial date/estimate (L.R. 26.1(d)):**

Plaintiff has demanded a jury trial and preliminarily estimates the trial would require at least five weeks. Defendants believe the trial will require less than five weeks.

**9. Settlement prospects. (FRCP 26(f), L.R. 26.1(c)):**

At this time, the parties are unable to assess any settlement prospects.

**10. Other pre-trial agreements:**

The parties have also met and conferred regarding a proposed Protective Order and have agreed to all terms except for II.H.2.b. The parties have attached to this report the proposed protective order with the language that each has proposed for that subsection. The parties will continue to attempt to resolve this remaining dispute. In the event they are unable to reach agreement, this dispute will be submitted to the Court.

In addition, the parties have been ordered to and will preserve all documents relevant to the claims or defenses. Furthermore, the News defendants have been ordered to and will preserve all documents from the *Theme* case and from the *Menasha* case as reflected in the Court's June 5, 2006 Order.

Dated: June \_\_\_, 2006

Approved as to substance and form:

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By:           s/Frederick R. Juckniess            
Frederick R. Juckniess P64032  
101 North Main Street, Seventh Floor  
Ann Arbor, MI 48104-1400  
Tel: (734) 668-7798  
Fax: (734) 663-8624  
[Juckniess@millercanfield.com](mailto:Juckniess@millercanfield.com)

Carl H. von Ende P21867  
150 W. Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
Tel: (313) 496-7618

Henry Baskin P10520  
The Baskin Law Firm  
David S. Mendelson P53572  
Law Offices of David Mendelson, P.C.  
322 N. Old Woodward Avenue  
Birmingham, MI 48009  
Tel: (248) 646-3300/646-8277

Attorneys for Valassis Communications, Inc.

CONSTANTINE CANNON, P.C.

By: s/with consent of Stacey Anne Mahoney  
Stacey Anne Mahoney  
450 Lexington Avenue  
17<sup>th</sup> Floor  
New York, New York 10017  
Tel: (212) 350-2700

Herschel P. Fink P13427  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, MI 48226  
Tel: (313) 465-7400

Attorneys for News America Incorporated, a/k/a  
News America Marketing Group, News America  
Marketing FSI, Inc., a/k/a News America Marketing  
FSI, LLC and News America Marketing In-Store  
Services, Inc., a/k/a News America Marketing In-  
Store Services, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2006, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system which will send notification of such filing to the following: Herschel P. Fink Stacey Anne Mahoney.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: s/Frederick R. Juckniess

Frederick R. Juckniess P64032

Attorney for Valassis Communications, Inc.

101 North Main Street, Seventh Floor

Ann Arbor, MI 48104-1400

Tel: (734) 668-7798

Fax: (734) 663-8624

[Juckniess@millercanfield.com](mailto:Juckniess@millercanfield.com)

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